

# United States Court of Appeals

Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

Thomas K. Kahn  
Clerk

December 28, 2005

## NOTICE TO ALL COUNSEL OR RECORD:

No. 04-12420 - Bankwest, Inc., et al.; Community State Bank, et al. v. Thurbert  
Baker, et al.

Dear Counsel:

Enclosed is an order entered by the court directing that this case be reheard en banc. Under Eleventh Circuit Rule 35, the effect of granting rehearing en banc is to vacate the previous opinion and judgment of this court and to stay the mandate.

You will be notified by subsequent correspondence of the schedule for filing en banc briefs, the issue(s) which the court wishes the parties to focus on in their briefs, and the page limitations on them. We will communicate with you at a later time regarding report time and time limitations on oral argument should this case be designated for oral argument.

Sincerely,

THOMAS K. KAHN, Clerk

By \_\_\_\_\_  
Matt Davidson  
Calendar Clerk

Susan Verbonitz  
William P. Eiselstein  
Alan S. Kaplinsky  
Jeremy T. Rosenblum  
Mark J. Levin  
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Michael D. Calhoun  
Clerk, U.S. District Court (N. GA-Atlanta)  
Hon. Marvin H. Shoob

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

\_\_\_\_\_  
No. 04-12420

(D.C. Docket No. 04-00988-CV)

BANKWEST, INC.,  
ADVANCE AMERICA, CASH ADVANCE CENTERS OF GEORGIA, INC.,

Plaintiffs-Appellants,

COMMUNITY STATE BANK,  
FIRST AMERICAN CASH ADVANCE OF GEORGIA, LLC,  
CASH AMERICA FINANCIAL SERVICES, INC.,  
GEORGIA CASH AMERICA, INC.,  
FIRST BANK OF DELAWARE,  
CREDITCORP OF GEORGIA, LLC,  
COUNTY BANK OF REHOBOTH BEACH, DELAWARE,  
EXPRESS CHECK ADVANCE OF GEORGIA, LLC,

Consolidated-Plaintiffs-Appellants,

versus

THURBERT E. BAKER, Attorney General of the State of Georgia,  
CATHY COX, Secretary of State, for the State of Georgia,  
in their official capacities,

Defendants-Consolidated-Defendants-  
Appellees.

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On Appeal from the United States District Court for the  
Northern District of Georgia  
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(Opinion June 10, 2005, 411 F.3d 1289, 11<sup>th</sup> Cir. 2005)

(December 28, 2005)

Before EDMONDSON, Chief Judge, TJOFLAT, ANDERSON, BIRCH, DUBINA, BLACK, CARNES, BARKETT,  
HULL, MARCUS, WILSON and PRYOR, Circuit Judges\*.

**BY THE COURT:**

A member of this Court in active service having requested a poll on the suggestions of rehearing en banc  
and a majority of the judges in this Court in active service having voted in favor of granting a rehearing en banc,

IT IS ORDERED that the above cause shall be reheard by this court en banc. The previous panel's  
opinion is hereby VACATED.

\_\_\_\_\_  
\*Senior United States Circuit Judge James C. Hill has elected to participate in further proceedings in this matter pursuant  
to 28 U.S.C. § 46(c).